

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THOMAS POWER,

*Plaintiff,*

v.

HEWLETT-PACKARD COMPANY,

*Defendant.*

Civil Division

Docket No. 2:17-CV-00154-MRH

Hon. Mark R. Hornak

Monday, December 2, 24

**DEFENDANT’S WITNESS LIST WITH OFFERS OF PROOF**

Given that Defendant does not have the burden of proof, Defendant reserves the right to not call any witnesses. Thus, all witnesses listed are “may call.”

1. David Pipho , HP Inc.: Electrical hardware reliability engineer.  
c/o Michael Weiner, Esq.  
Bennett, Bricklin & Saltzburg LLC  
611 William Penn Place  
Pittsburgh, PA 15219

It is expected that David Pipho will testify consistent and including the information in his deposition testimony of November 26, 2018. Mr. Pipho will testify regarding his experience, education and training including his background and experience in the field of notebook computers including his experience working at both Compaq and HP Inc. His expected testimony will include all relevant technical aspects of the design of the Elitebook Mobile WorkStation [HP 8730w] (“EB”), the component parts sold with the EB including the adapter, battery pack and cells original to it; the origin, authenticity and meaning of the technical documents produced by HP in discovery; the documents and labels supplied with the EB when sold by HP and available via HP.com; warnings provided by HP regarding the EB; the safety features and testing of the EB and its component parts; the identity/origin of component parts original to the EB that was allegedly purchased by Mr. Power including that the original battery pack was manufactured by STL Technology and it contained Sony cells; the existence and meaning of UL certification for the EB as well as relevant component parts, the fact of no recalls of the EB and its original component parts. It is also expected that Mr. Pipho will testify in rebuttal to evidence put forth in plaintiff's case.

2. John Wozniak, Ph.D. formerly of HP Inc.;  
c/o Michael Weiner, Esq.  
Bennett, Bricklin & Saltzburg LLC  
611 William Penn Place  
Pittsburgh, PA 15219

It is expected that Dr. Wozniak will testify consistent with his deposition testimony of July 18, 2016. Dr. Wozniak will testify regarding his experience, education and training including his background and experience in the field of notebook computers and, specifically, lithium-ion battery packs and cells used therein including his experience working at both Compaq and HP Inc. He will testify regarding the design and functionality of the battery pack sold with the EB including the battery management and monitoring system in said battery pack; the EB's communications (hardware and software) with the battery pack, and vice versa; the design and functionality of the EB's battery pack charging system; the EB's evaluation of the compatibility and identity of installed battery; industry standards regarding evaluation of the compatibility and identity of installed battery; communications to the user regarding that evaluation; the EB's monitoring of battery status, and communication to the user regarding battery status; battery testing and safety standards for the original battery pack in the EB. The existence and meaning of UL certification for the battery pack and cells that originally shipped with Power's EB (the original battery pack was manufactured by STL Technology and it contained Sony cells); the various technical documents produced by HP in discovery; the documents and labels supplied with the EB when sold by HP and available via HP.com; warnings provided by HP regarding the EB; safety features and testing of the EB's battery pack and cells original to the Power EB. It is also expected that Dr. Wozniak will testify in rebuttal to evidence put forth in plaintiff's case.

#### Expert Witness

3. Quinn C. Horn, Ph.D., P.E.  
Exponent, Inc.  
1075 Worcester Street  
Natick, MA 01760

It is expected that Dr. Horn will testify consistent with his expert disclosure in this case dated December 30, 2020. Dr. Horn will testify regarding his extensive experience and training in the field of batteries including with respect to lithium-ion batteries. He will testify regarding his publications relevant to the field of lithium-ion batteries. He will testify regarding his examination of relevant documents, photographs and CT scan images of the artifact batteries as well as of an exemplar battery pack. Dr. Horn will testify regarding the meaning of the technical documents produced by HP in discovery. Dr. Horn will testify that the incident battery pack and exemplar battery pack provided for analysis by the plaintiff are not consistent with the genuine approved battery pack sold with this product. Dr. Horn will testify that the known physical characteristics of battery pack and cell that were in the Power EB (battery pack manufactured by STL Technology, containing Sony cells) when it was originally distributed by HP are different than the physical characteristics of the pack/cells found in the Power EB post-incident. That the incident battery pack is of questionable (lower) quality, which caused it to fail and caused the

thermal incident involving the plaintiff. Dr. Horn will testify regarding the warnings provided by HP with the EB, the state of industry standards at the time of design and manufacture of the EB, his review of documents provided by HP with the EB and his experience with lithium-ion battery industry standards. He will testify that multiple warnings to only use HP-approved battery packs were provided with the EB as sold by HP, that the warnings were adequate and that when the EB was designed and sold, industry standards did not prohibit the use of third-party accessories, nor require an end-user alert with a third-party battery. It is also expected that Dr. Horn will testify in rebuttal to evidence put forth in plaintiff's case including providing testimony in response to opinions put forth by plaintiff's experts.

4. Don Galler, P.E.  
Electrical Engineering Solutions  
15 Birchwood Street  
Bedford, MA

It is anticipated that Don Galler, an electrical engineer, will testify in accordance with his expert disclosure dated December 24, 2020. As a general summary Mr. Galler will testify regarding his investigation of the cause of this fire, his observations of the evidence at evidence inspections, the EB computer including its design, safety features, component parts as well as its testing and certification by independent laboratories such as underwriters laboratory as the process for certification thereunder. Mr. Galler will testify that the battery pack in the computer at the time of Mr. Power's incident was not an HP product, or an approved HP product. Mr. Galler is expected to testify that the cause of the incident was an unsafe and unapproved battery pack of unknown origin in Mr. Power's computer; that the malfunction of the battery pack occurred separate and apart from the notebook computer itself; that EB did not cause the incident; that if an authentication scheme had been installed when the notebook was made and distributed by HP, it likely would not have been operational at the time of the incident; even if authentication had been used it is more likely than not that it would have been defeated by the manufacturer of the incident after-market battery pack by the time the incident battery pack was installed; that the EB adhered to relevant authentication scheme standards and industry practice for batteries in mobile computing devices that were in effect at the time of the computer's manufacture. It is also expected that Mr. Galler will testify in rebuttal to evidence put forth in plaintiff's case including providing testimony in response to opinions put forth by plaintiff's experts.

5. Herman Singh Bagga, MD  
Triangle Urological Group  
1307 Federal Street, Suite 300  
Pittsburgh, PA 15212

It is anticipated that Dr. Bagga, a urologist, will testify in accordance with his expert disclosure dated December 30, 2020. Dr. Bagga will testify concerning his training, continuing education, and experience as an actively practice board-certified attending urologist and medical director of hospital and clinical urology departments. Dr. Bagga will testify concerning his publications in the field of urology. The Court precluded plaintiff's expert Michael Drew, MD from testifying concerning a causal connection between this incident and plaintiff's claimed

urinary incontinence. Thus, it is expected that much of Dr. Bagga's testimony regarding the lack of a causal connection between the plaintiff's injury and incontinence will be unnecessary, defendant discloses it herein out of an abundance of caution. As a general summary, Dr. Bagga will testify regarding his review of plaintiff's medical records, testimony, and expert report and opinion concerning plaintiff's claimed urinary incontinence was not caused by the subject incident of June 20, 2015. Dr. Bagga will testify that there was no reported evidence of injury to the plaintiff's genitourinary system; the explosion was noted to cause burns of medial thighs which required local care, but no reported damage to the genitalia, or reports of blood in urine; subsequent outpatient urinary evaluation did not report any genitourinary injury, leading plaintiff's urologist to report no clear relationship between the chemical burn and urinary incontinence; and plaintiff's expert's suggestion of a psychological connection cannot be ascertained from the plaintiff's treatment records and that plaintiff generally recovered from his physical injuries as set forth in his medical records.. It is also expected that Dr. Bagga will testify in rebuttal to evidence put forth in the plaintiff's case including providing testimony in response to opinions put forth by plaintiff's expert.

/s/ Christopher G. Betke

Christopher G. Betke  
*Pro Hac Vice*  
N.Y. Atty. Reg. No. 2260065  
Coughlin Betke LLP  
175 Federal Street  
Boston, MA 02110  
(617) 988-8050  
(617) 988-8005  
[cbetke@coughlinbetke.com](mailto:cbetke@coughlinbetke.com)

/s/ Michael A. Weiner  
Michael A. Weiner, Esquire  
PA I.D. #93640  
Bennett, Bricklin & Saltzburg LLC  
611 William Penn Place  
Pittsburgh, PA 15219  
Phone: (412) 894-4101  
Fax: (412) 894-4111  
[weiner@bbs-law.com](mailto:weiner@bbs-law.com)

Attorneys for HP Inc.

**Certificate of Service**

We hereby certify that on Monday, 2. December 24, a true and accurate copy of the foregoing was served via the Court's Electronic Case Filing System to all counsel of record.

/s/ Christopher G. Betke

Christopher G. Betke

/s/ Michael A. Weiner

Michael A. Weiner